

REMARKS/ARGUMENTS

Claims 1 – 16 are pending in the application.

Claim 8 is amended to correct informalities and to clarify the initial intent of the claim scope that the pumping system recited in the claim is a liquid component pumping system. Support for this amendment is found in Figure 1 and paragraphs 37 and 38. Accordingly, no new matter is added.

Claim 9 is amended to correct an informality.

In the Office Action, claims 1, 3, 4, 6-8 and 10 were rejected under 35 USC § 102(b) as anticipated by U.S. Patent No. 1,935,977 to Geer. Claims 2, 5 and 9 were rejected under 35 USC § 103(a) as obvious over Geer.

Rejection under 35 USC § 102

The rejection of claims 1, 3, 4, 6, 7 and 10 as anticipated by Geer is respectfully traversed. Geer teaches a mixing apparatus having a container for delivering a solid material, a container for delivering a liquid material, and a spray gun connected by conduits to both containers. An air compressor is provided to pressurize the liquid material container for liquid delivery. The compressor also provides compressed air to the solid material container for solid material delivery, but in contrast to the liquid material container, the solid material container is not pressurized.

According to MPEP § 2131, “to anticipate a claim, the reference must teach every element of the claim.”

Claims 1, 3, 4, 6, 7 and 10 call for filler material in a pressurized container. Although Geer describes a solid material container, Geer does not teach or suggest that the container is pressurized.

In the Geer patent, a pipe 18 conveying compressed air enters the bottom of the solid material container 4. The end of the pipe discharges into pockets 17 of a rotating drum 16 mounted on the container floor. A hood element 19 positioned on the opposite side of the rotating drum and in line with the end of the pipe is connected to the container wall such that an air passage forms between the pipe and the hood. An aperture located under the hood connects the air passage to the conduit that delivers solid material to the spray gun. When a pocket aligns with the pipe and the hood, the solid material in the pocket is picked up by the compressed air flowing through the air passage, and is delivered to the spray gun via the attached conduit. *See*, page 1, lines 88-110 through page 2, lines 1-25.

The compressed air in the Geer patent is not used to pressurize the solid material container. Rather, the compressed air continuously moves through the air passage formed by the pipe and the hood, producing a constantly moving air stream. Even when the rotating drum stops, the air passage is constantly provided between the pipe and hood, allowing the air stream

to scour the empty pocket and discharge from the nozzle of the spray gun (page 2, lines 27 – 35). Moreover, the air passage is constantly open since the nozzle path through which the compressed air flows is constantly open (page 2, lines 119 – 124). Because compressed air never builds up in the solid material container, the solid material container of Geer is not pressurized. Thus, Geer neither mentions nor describes a pressurized solid material container.

The figure of Geer provides further evidence that Geer does not contemplate a pressurized solid material container. Referring to a marked-up copy of the figure of Geer attached hereto as Exhibit A, the solid material container 4 appears to be closed near the top with a loosely fitting plate “A” connected to a handle “B”. Such a configuration is not air tight and is inconsistent with a pressurized container.

Moreover, the liquid material container of Geer, which is pressurized to allow liquid in the container “to be forced through pipe 29 by pressure” (page 2, lines 95 – 100), is closed in a completely different way. Again referring to Exhibit A, the liquid material container 5 appears to be completely capped by a lid “C” that is stably secured to the top of the container by posts “D”, an air-tight arrangement that would prevent the lid “C” from being forced off the container by internal pressure. A pressurized solid material container would be expected to be similarly closed. Instead, Geer’s depiction of a different type of closure, involving a loosely fitting plate, shows that the solid material container, unlike the liquid material container, is not pressurized.

Because Geer does not teach or suggest a pressurized filler container, Geer does not teach every element of claims 1, 3, 4, 6, 7 and 10. Accordingly, Geer does not anticipate these claims.

The rejection of claim 8 as anticipated by Geer is respectfully traversed. As amended, claim 8 calls for an apparatus comprising a liquid component pumping system. In contrast, Geer teaches the use of air pressure for delivering a liquid material (page 2, lines 95-100). Geer does not teach or suggest the use of pumps to deliver the liquid material. Accordingly, Geer does not anticipate claim 8.

Rejections under 35 USC § 103

The rejection of claims 2, 5 and 9 as obvious over Geer is respectfully traversed. To establish a prima facie case of obviousness, “all claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. In the present case, Geer fails to meet this standard.

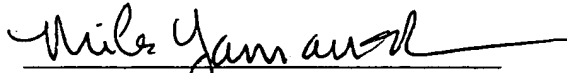
Claims 2, 5 and 9 call for filler material in a pressurized container. In contrast, as discussed in the rejections under § 102 above, Geer does not teach or suggest a pressurized container. Because Geer does not teach or suggest all claim limitations, Geer does not render claims 2, 5 and 9 obvious. Accordingly, the rejection of these claims should be withdrawn.

In view of the above amendment and remarks, Applicants submit that the application is in condition for allowance. A timely Notice of Allowance is therefore respectfully requested.

The Commissioner is hereby authorized during prosecution of this application and any related appeal, to charge any fees that may be required (except for patent issue fees required under 37 CFR §1.18) or to credit any overpayment of fees to Deposit Account No. 50-0337. Please show our docket number 7088-102XX/10102638 with any credit or charge to the deposit account.

Respectfully submitted,

Date: July 1, 2004



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